

A G R E E M E N T

WHEREAS, on September 16, 1977, BRANDYWINE CORPORATION was the then record owner of all lots in the survey of Brandywine, First Sector, a map of which is recorded in Map Book 7, Page 7, in the Probate Office of Shelby County, Alabama, which said survey of Brandywine, First Sector, includes the following described real property, situated in Shelby County, Alabama:

Lot 33, according to the survey of Brandywine, First Sector, as recorded in Map Book 7, Page 7, in the Probate Office of Shelby County, Alabama.

WHEREAS, said record owner adopted certain restrictions applicable to all lots in said survey of Brandywine, First Sector, including the above described Lot 33, said restrictions being recorded in Misc. Book 21, Page 759 in the Probate Office of Shelby County, Alabama, and said restrictions contain a provision for a 40 foot building set-back line from the portion of the above described Lot 33 which fronts on Chateau Drive;

WHEREAS, said restrictions contain a provision reserving to the Architectural Control Committee of Brandywine Corporation, said committee consisting of Lenord Martin, Eloise Theobald and Jack McGuire, the authority to waive any violation of the set-back lines;

WHEREAS, a residence has been constructed on said Lot 33 by J. Bennett Construction Co., Inc., which violates said 40 foot set-back line provision in said restrictions;

WHEREAS, the said Architectural Control Committee is willing to waive said violation of the set-back line and to release said property, the present owner, J. Bennett Construction Co., Inc., and any future owners of said property from any and all liabilities, claims, demands, and actions or causes of action now existing or hereafter to accrue as a result of the violation of said restrictions, as shown in Exhibit "A" attached;

ROBERT O. DRIGGERS
ATTORNEY AT LAW
2824 LINDEN AVENUE
HOMEWOOD, ALABAMA

ROBERT O. DRIGGERS
1736 OXMOOR ROAD
P. O. BOX 58023
HOMEWOOD, ALABAMA 35209

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Shelby Cnty Judge of Probate, AL
11/28/1978 12:00:00 AM FILED/CERT

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NOW, THEREFORE, in consideration of the payment of the sum of \$1.00 to the said Brandywine Corporation, the receipt and sufficiency of which is hereby acknowledged, the undersigned Architectural Control Committee of Brandywine Corporation does hereby waive said violation of said set-back line as hereinabove described and does further release said property and the present and future owners thereof from the violation of the 40 foot set-back line and does further release said present and future owners of said property from any and all liabilities, claims, demands, actions or causes of action now existing or hereafter to accrue as a result of said violation of said set-back line contained in said restrictions.

IN WITNESS WHEREOF, the Architectural Control Committee consisting of Lenord Martin, Eloise Theobald and Jack McGuire have hereunto signed this instrument this 20th day of November, 1978.

ARCHITECTURAL CONTROL COMMITTEE

Jack McGuire
JACK MCGUIRE (Member)

Lenord L. Martin
LENORD MARTIN (Member)

Eloise Theobald
ELOISE THEOBALD (Member)

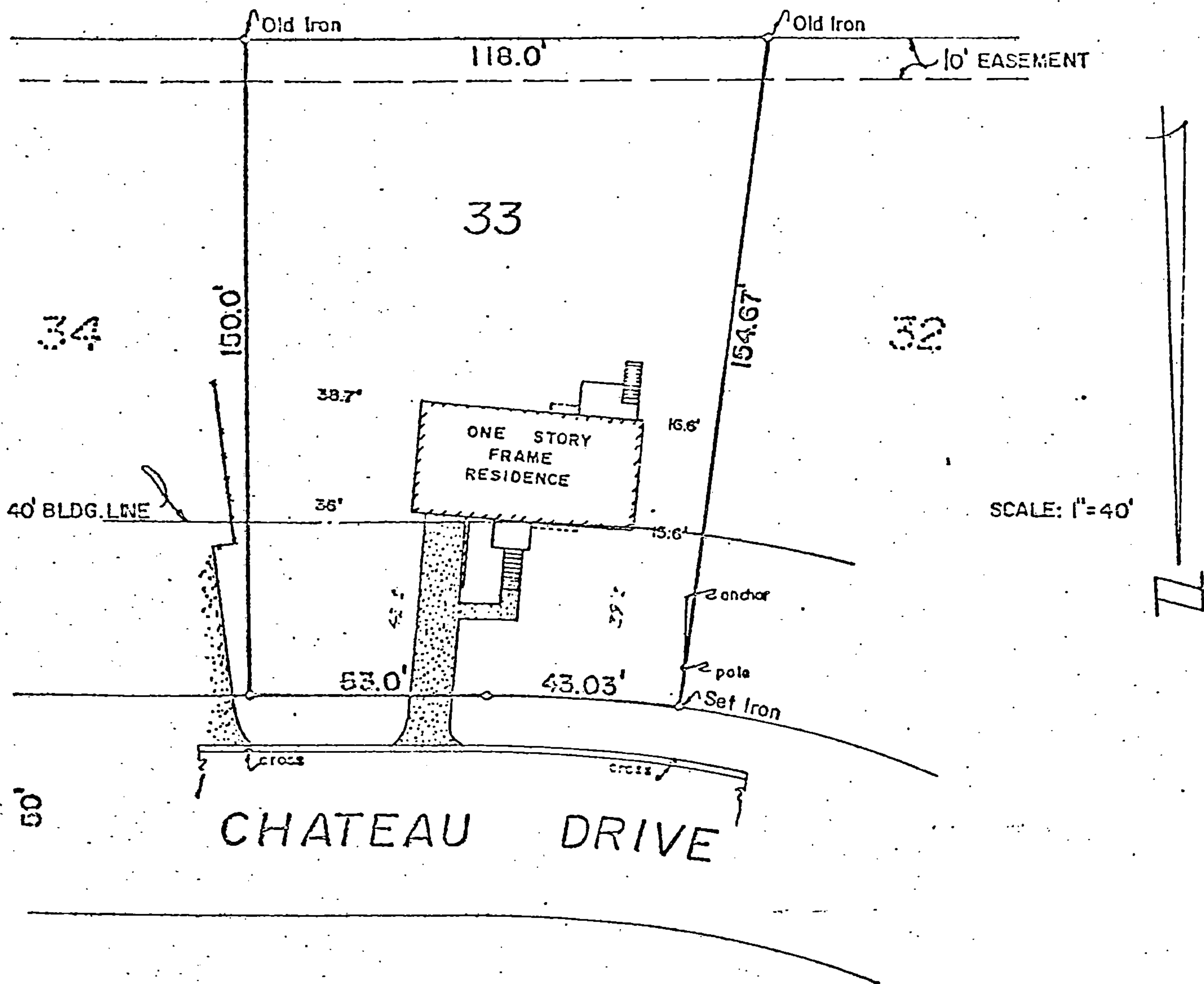
STATE OF ALABAMA)
JEFFERSON COUNTY)

I, the undersigned, a Notary Public for the State of Alabama at Large, hereby certify that Lenord Martin, Eloise Theobald and Jack McGuire, whose names are signed to the foregoing agreement, and who are known to me, acknowledged before me on this day that, being informed of the contents of the agreement, they executed the same voluntarily on the day the same bears date.

Given under my hand and official seal, this the 20th day of November, 1978.

Robert O. Driggers
Notary Public
My Commission Expires May 22, 1982

EXHIBIT A



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STATE OF ALABAMA
JEFFERSON COUNTY

I, Laurence D. Weygand, a registered Engineer-Land Surveyor, certify that I have surveyed Lot 33, Block —, BRANDYWINE FIRST SECTOR as recorded in Map Volume 7, Page 7, in the office of the Judge of Probate SHELBY County, Alabama; that there are no right-of-way, easements, or joint driveways over or across said land visible on the surface except as shown; that there are no electric or telephone wires (excluding wires which serve premises only) or structures or supports therefor, including poles, anchors and guy wires, on or over said premises except as shown; that I have consulted the Federal Insurance Administration "Flood Hazard Boundary Map" and found that this property is not located in "a special flood hazard area"; that there are no encroachments on said lot except as shown; that improvements are located as shown above; and that the correct address is as follows: 1045 CHATEAU DRIVE; according to my survey of November 12, 1978

Order No. 22104.....

EXHIBIT A

Laurence D. Weygond, Reg. No. 10 373 phone: 930-0900



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Shelby Cnty Judge of Probate, AL
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